



April 10, 2018

The Honorable Mike McGuire, Chair  
Senate Governance and Finance Committee  
State Capitol Building  
Sacramento, CA 95814

**RE: SB 946 (Lara) – Letter of Concern: Sidewalk Vendors**

Dear Senator McGuire:

On behalf of the California Park & Recreation Society (CPRS), I am writing to respectfully articulate our concerns relative to the above-referenced legislation. CPRS is a professional association, over 4,000 strong, dedicated to advancing the positive impact and value of park and recreation services to individuals, families, communities and the state.

As you know, SB 946 prohibits a local authority from adopting rules or regulations that regulate or prohibit sidewalk vendors unless it first adopts a sidewalk vending licensing program that would require a sidewalk vendor to obtain a license from the local authority before selling food or merchandise. This bill also requires a local authority that elects to adopt a sidewalk vending licensing program to not restrict the location of a licensed sidewalk vendor unless the restriction is directly related to objective health, safety, or welfare concerns.

CPRS raises the following concerns with respect to SB 946:

- The language contained in this bill pursuant to Section 21152(b)(2) stating, “A local authority shall not prohibit a licensed sidewalk vendor from selling food or merchandise in a park,” is wrought with challenges to local park administrators and would overturn decades of established practices as they relate to vending operations and public/private cooperating practices on public lands.
- CPRS member agencies engage in contractual arrangements to allow for private vendors to provide food and beverages at identified locations within park settings pursuant to specific standards. This bill creates an uneven operating environment by allowing licensed sidewalk vendor to sell at the expense of permitted and authority approved vendors at local public park locations.
- Exempting licensed sidewalk vendors from permitting requirements and allowing unlimited access can be disruptive of ongoing passive/active leisure. As drafted, it is conceivable that SB 946 foretells scenarios wherein vendors could transport food carts to concentrations of



park use regardless of the setting in order to optimize sales. Per the definition of “local authority,” this would include regional park entities administering park services that seek to promote passive recreation in natural undisturbed settings. Nothing in this bill prohibits unrestricted vendor sales in these types of settings.

- Exempting vendors from permitting bypasses health and safety standards relative to food handling standards that are imposed on other vendors. A lack of observance to these standards in park and wilderness settings can lead to diminutions of the unique natural and aesthetic characteristics of a park.

Thank you for your consideration of our concerns.

Sincerely,



Pilar Alcivary McCoy  
Legislative Chair

cc: The Honorable Members of the Senate Governance and Finance Committee  
Senator Ricardo Lara  
Mr. Colin Grinnell, Staff Director, Senate Governance and Finance Committee  
Ms. Marisa Lanchester, Committee Assistant, Senate Governance and Finance Committee  
Mr. Ryan Eisberg, Consultant, Senate Republican Caucus  
Ms. Stephanie Stephens, Executive Director, CPRS  
Mr. Doug Houston, Houston Magnani and Associates